

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ARIEL MORALES BRACHO,

Plaintiff,

v.

JORGE AUGUSTO CALDERON, HERTY
CARVAJAL; JUAN MIRANDA; YOENDRI
CARBALLED0 HERNANDEZ,

Defendants.

Case No.: 2:20-cv-01306-RFB-EJY

**REPORT AND RECOMMENDATION
TO DISMISS WITHOUT
PREJUDICE**

On November 23, 2020, the Court entered an Order recommending Plaintiff's Complaint and Amended Complaint (ECF Nos. 1-1, 1-2, 1-3, 1-4, and 1-5) be dismissed without prejudice. ECF No. 6. Plaintiff was given thirty (30) days within which to file an amended complaint that would include facts demonstrating that this Court has jurisdiction over the dispute presented. *Id.* Plaintiff did not file an objection to the November 23, 2020 Order. As of today's date, Plaintiff also has not filed an amended complaint.

Accordingly, based on the foregoing, IT IS HEREBY RECOMMENDED that the above captioned matter brought by Plaintiff be dismissed without prejudice.

Dated this 8th day of February, 2021


ELAYNA J. YOUCHAH
UNITED STATES MAGISTRATE JUDGE

NOTICE

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also

1 held that (1) failure to file objections within the specified time and (2) failure to properly address
2 and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal
3 factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir.
4 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).